IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Bail Appl..No. 7671 of 2007()

(CHITTAR EX.OR 41/07 OF CHITTAR EXCISE RANGE)
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PETITIONER

JIJI CHACKO, W/O.MATHUKUTTY,
MARUTHIMOOTTIL VEEDU, LAHA MURIL,
PERUNADU VILLAGE, RANNY TALUK.

BY ADV. SRI.K.G.ANIL BABU

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED**
   BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. **THE EXCISE INSPECTOR,**
   CHITTAR EXCISE RANGE, PATHANAMTHITTA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2007, ALONG WITH BA. 7667/2007 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.7671 & 7667 of 2007

Dated this the 13th day of December 2007

O R D E R

B.A.No.7667/2007 is an application for regular bail by accused 1 and 2. B.A.No.7671/2007 is an anticipatory bail application by the third accused who is the wife of the first accused. They face allegations under the Kerala Abkari Act. Accused 1 and 2 were allegedly found transporting 20 litres of arrack in a vehicle on 11/11/2007. They were intercepted, arrested and the contraband articles seized. They continue in custody from that date. The petitioners have no criminal antecedents, submits the learned Public Prosecutor.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that regular bail can be granted to accused 1 and 2/the petitioners in B.A.No.7667/2007, subject to appropriate conditions.

3. So far as the third accused/petitioner in B.A.No.7671/2007, except that she happens to be the registered owner of the vehicle in which her husband/the first accused had allegedly transported the contraband articles, there is no allegation whatsoever raised against her.

4. The learned counsel for the petitioner prays, the learned Public Prosecutor fairly concedes the said prayer and I am satisfied that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

5. In the result, these petitions are allowed. Accused 1 and 2 - the petitioners in B.A.No.7667/2007 shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months and thereafter as and when directed by the investigating officer in writing to do so.

6. B.A.No.7671/2007 is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner/third accused.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 21/12/2007. She shall be released on regular bail on condition that she executes a

bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 12 noon on 22/12/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(iv) If she were arrested prior to 21/12/2007, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21/12/2007.

Hand over copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007